

JUDGE DAVID GUADERRAMA

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

UNITED STATES DISTRICT COURT

for the

Western District of Texas

El Paso Division

RECEIVED

APR 10 2023
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WESTERN DISTRICT OF TEXAS
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Adriana Alvarez

Case No.

EP 23 CV 0147

(to be filled in by the Clerk's Office)

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Texas Workforce Commission

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Adriana Alvarez
Street Address	10609 Cuatro Vistas Apt. D
City and County	El Paso, El Paso
State and Zip Code	TX 79935
Telephone Number	915-990-7275
E-mail Address	alvarez.adriana.aa@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Texas Workforce Commission
Job or Title <i>(if known)</i>	
Street Address	101 East 15th St.
City and County	Austin, Austin
State and Zip Code	TX 78778-0001
Telephone Number	1-800-628-5115
E-mail Address <i>(if known)</i>	

Defendant No. 2

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 3

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

Defendant No. 4

Name	
Job or Title <i>(if known)</i>	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address <i>(if known)</i>	

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☐ Federal question ☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* Adriana Alvarez, is a citizen of the State of *(name)* Texas.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, (name) Texas Workforce Commission, is incorporated under the laws of the State of (name) Texas, and has its principal place of business in the State of (name) Texas.
 Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$9959 and Adriana Alvarez reserves the right to amend or correct the amount in the future

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

It is against my sincerely-held religious beliefs to defile my body, the temple of the Holy Spirit, with unwanted intrusions, including masks. On 02/04/23, Brokers Logistics, Ltd (former employer, BLL) denied my reasonable accommodation request and BLL did not even attempt to accommodate me because of religious beliefs. On 02/06/23, I appealed their denial, stated for the record "I do not intend to resign", and I asked if the team needed additional information to revise my case. On 02/07/23, BLL assumed I voluntarily resigned and my employment was wrongfully terminated and Texas Workforce Commission ruled in favor of BLL without any substantial evidence to support that accommodating my reasonable request would impose BLL an undue hardship.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

I received \$9959 in unemployment benefits which I am lawfully entitled. BLL appealed and requested that the decision be reversed in favor of BLL without a charge back and without providing substantial evidence to support the claim that accommodating my reasonable request would impose BLL an undue hardship on the exercise of my religious beliefs. I request that the unemployment benefits decision be reversed in my favor without chargeback. My request is being made as BLL failed to demonstrate that my reasonable accommodation would result in undue hardship.

BLL acted under the Color of law, and it is not justifiable defense to take for granted my fundamental rights. Former employer, BLL was notified of my religious beliefs. There is no law requiring an individual to defend her religious beliefs. My religious beliefs are between my creator and myself. My former employer was notified the conflict with my sincerely-held religious beliefs and BLL mask policy. I had to choose between my job and my religious beliefs and I must honor God. It is against my sincerely-held religious beliefs to defile my body, the temple of the Holy Spirit, with unwanted intrusions, including masks. Please, I request that the unemployment benefits decision be reversed in my favor without chargeback.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 04/10/2023

Signature of Plaintiff

Printed Name of Plaintiff

Adriana Alvarez

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

Article 1 Bill of Rights, section 12

The Legislature shall enact laws to render the remedy speedy and effectual.